

Appl. No. : 10/630,629
Filed : July 29, 2003

REMARKS

Restriction to one of the following groups was required under 35 USC §121:

- Group I Claims 1-5, drawn to polypeptides and compositions from *Plasmodium*, classified in class 530, subclass 350;
- Group II Claims 6-12 and 16, drawn to nucleic acids encoding polypeptides, vectors, host cells and associated methods, classified in class 536, subclass 23.7;
- Group III Claims 13-15, drawn to methods of inducing an immune response using polypeptides from *Plasmodium*, classified in class 424, subclass 185.1;
- Group IV Claims 17-20, drawn to antibodies that bind a cysteine rich region of the polypeptide from *Plasmodium*, classified in class 520, subclass 387.1.

In response to this Restriction Requirement, Applicant provisionally elects Group I, that is, Claims 1-5 with traverse. The Restriction Requirement is submitted to be improper because, according to MPEP 803, there are two criteria for a proper Restriction Requirement: (A) The inventions must be independent or distinct as claimed, and (B) There would be a serious burden on the examiner if restriction is not required. Here, the members of the group are sufficiently few in number that a search and examination of the group can be made without creating a serious burden on the examiner, thus restriction is improper and the requirement should be withdrawn.

Rejoinder

The Examiner has required restriction between product and process claims. Applicant hereby elects claims directed to the product with the understanding that upon allowance of the product claims, withdrawn process claims that depend from or otherwise require all the limitations of the allowable product claim will be rejoined and fully examined for patentability in accordance with 37 CFR 1.104.

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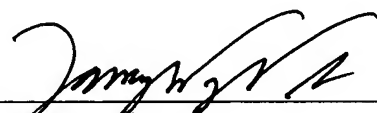
CONCLUSION

In view of the foregoing, Applicant respectfully requests that this application be passed to issuance. If any points remain that can be resolved by telephone, the Examiner is invited to contact the undersigned at the below-given telephone number.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 1929/06

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